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Security Council

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RESOLUTION 841 (1993)

Adopted by the Security Council at its 3238th meeting,
on 16 June 1993

The Security Council,

Having received a letter from the Permanent Representative of Haiti to the President of the Council dated 7 June 1993 (S/25958) requesting that the Council make universal and mandatory the trade embargo on Haiti recommended by the Organization of American States,

Having also heard a report of the Secretary-General on 10 June 1993 regarding the crisis in Haiti,

Noting resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92 and MRE/RES.4/92 adopted by the Foreign Ministers of the Organization of American States, and resolution CP/RES.594 (923/92) and declarations CP/Dec.8 (927/93), CP/Dec.9 (931/93) and CP/Dec.10 (934/93) adopted by the Permanent Council of the Organization of American States,

Noting in particular resolution MRE/RES.5/93 adopted by the Foreign Ministers of the Organization of American States in Managua, Nicaragua, on 6 June 1993,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 A of 24 November 1992, 47/143 of 18 December 1992 and 47/20 B of 23 April 1993,

Strongly supportive of the continuing leadership by the Secretary-General of the United Nations and the Secretary-General of the Organization of American States and of the efforts of the international community to reach a political solution to the crisis in Haiti,

Commending the efforts undertaken by the Special Envoy for Haiti of the United Nations and Organization of American States Secretaries-General, Mr. Dante Caputo, to establish a political dialogue with the Haitian parties with a view to resolving the crisis in Haiti,

Recognizing the urgent need for an early, comprehensive and peaceful settlement of the crisis in Haiti in accordance with the provisions of the Charter of the United Nations and international law,

Also recalling the statement of 26 February 1993 (S/25344), in which the Council noted with concern the incidence of humanitarian crises, including mass displacements of population, becoming or aggravating threats to international peace and security,

Deploring the fact that, despite the efforts of the international community, the legitimate Government of President Jean-Bertrand Aristide has not been reinstated,

Concerned that the persistence of this situation contributes to a climate of fear of persecution and economic dislocation which could increase the number of Haitians seeking refuge in neighbouring Member States and convinced that a reversal of this situation is needed to prevent its negative repercussions on the region,

Recalling, in this respect, the provisions of Chapter VIII of the Charter of the United Nations, and stressing the need for effective cooperation between regional organizations and the United Nations,

Considering that the above-mentioned request of the Permanent Representative of Haiti, made within the context of the related actions previously taken by the Organization of American States and by the General Assembly of the United Nations, defines a unique and exceptional situation warranting extraordinary measures by the Security Council in support of the efforts undertaken within the framework of the Organization of American States, and,

Determining that, in these unique and exceptional circumstances, the continuation of this situation threatens international peace and security in the region,

Acting, therefore, under Chapter VII of the Charter of the United Nations,

1. Affirms that the solution of the crisis in Haiti should take into account the above-mentioned resolutions of the Organization of American States and of the General Assembly of the United Nations;

2. Welcomes the request of the General Assembly that the Secretary-General take the necessary measures in order to assist, in cooperation with the Organization of American States, in the solution of the crisis in Haiti;

3. Decides that the provisions set forth in paragraphs 5 to 14 below, which are consistent with the trade embargo recommended by the Organization of American States, shall come into force at 00.01 EST on 23 June 1993 unless the Secretary-General, having regard to the views of the Secretary-General of the Organization of American States, has reported to the Council that, in light of the results of the negotiations conducted by the Special Envoy for Haiti of the United Nations and Organization of American States Secretaries-General, the imposition of such measures is not warranted at that time;

4. Decides that if at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General, having regard to the views of the Secretary-General of the Organization of American

States, reports to the Council that the de facto authorities in Haiti have failed to comply in good faith with their undertakings in the above-mentioned negotiations, the provisions set forth in paragraphs 5 to 14 below shall come into force immediately;

5. Decides that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of petroleum or petroleum products or arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned, whether or not originating in their territories, to any person or body in Haiti or to any person or body for the purpose of any business carried on in or operated from Haiti, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

6. Decides to prohibit any and all traffic from entering the territory or territorial sea of Haiti carrying petroleum or petroleum products, or arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned, in violation of paragraph 5 above;

7. Decides that the Committee established by paragraph 10 below may authorize on an exceptional case-by-case basis under a no-objection procedure the importation, in non-commercial quantities and only in barrels or bottles, of petroleum or petroleum products, including propane gas for cooking, for verified essential humanitarian needs, subject to acceptable arrangements for effective monitoring of delivery and use;

8. Decides that States in which there are funds, including any funds derived from property, (a) of the Government of Haiti or of the de facto authorities in Haiti, or (b) controlled directly or indirectly by such Government or authorities or by entities, wherever located or organized, owned or controlled by such Government or authorities, shall require all persons and entities within their own territories holding such funds to freeze them to ensure that they are not made available directly or indirectly to or for the benefit of the de facto authorities in Haiti;

9. Calls upon all States, and all international organizations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to 23 June 1993;

10. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 13 below;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of this resolution;

(c) To consider any information brought to its attention by States concerning violations of the measures imposed by this resolution and to recommend appropriate measures in response thereto;

(d) To consider and decide expeditiously requests for the approval of imports of petroleum and petroleum products for essential humanitarian needs in accordance with paragraph 7 above;

(e) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the present resolution, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(f) To promulgate guidelines to facilitate implementation of this resolution;

11. Calls upon all States to cooperate fully with the Committee established by paragraph 10 in the fulfilment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

12. Calls upon States to bring proceedings against persons and entities violating the measures imposed by this resolution and to impose appropriate penalties;

13. Requests all States to report to the Secretary-General by 16 July 1993 on the measures they have initiated for meeting the obligations set out in paragraphs 5 to 9 above;

14. Requests the Secretary-General to provide all necessary assistance to the Committee established by paragraph 10 and to make the necessary arrangements in the Secretariat for this purpose;

15. Requests the Secretary-General to report to the Security Council, not later than 15 July 1993, and earlier if he considers it appropriate, on progress achieved in the efforts jointly undertaken by him and the Secretary-General of the Organization of American States with a view to reaching a political solution to the crisis in Haiti;

16. Expresses its readiness to review all the measures in the present resolution with a view to lifting them if, after the provisions set forth in paragraphs 5 to 14 have come into force, the Secretary-General, having regard to the views of the Secretary-General of the Organization of American States, reports to the Council that the de facto authorities in Haiti have signed and have begun implementing in good faith an agreement to reinstate the legitimate Government of President Jean-Bertrand Aristide;

17. Decides to remain seized of the matter.